IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Writ Petition No.23765 of 1997
DATED 21-2-2007

BETWEEN
B.Md.Ghouse

.. Petitioner

And

The Regional Manager,
APSRTC, Tirupthi Region,
Thirupathi, Chittoor District and another.

.. Respondents

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.23765 of 1997

ORDER:

The petitioner claims absorption in the services of the respondent Corporation on the ground that he had completed 240 days of service.

This Court by order dated 6.10.1994 in W.P.No.19545 of 1988 permitted the petitioner to place all the relevant records available with him before the respondent Corporation and directed the Divisional Manager, Chittoor to verify their own departmental records, if any, or the records filed by the petitioner and pass

appropriate orders within a period of three months from the date of filing of the records by the petitioner. Thereafter, the Divisional Manager, APSRTC issued the impugned proceedings specifically stating that the petitioner had worked for only 136 days in the Corporation and that he was not engaged for more than one year and since the circular instructions of the Corporation conferred right of regularization only when an employee completed more than one year of service, the petitioner was not entitled to seek absorption.

The case of the petitioner before this Court is that while the number of days worked by him is stated to be 136 days in the impugned order, the respondents, on another occasion, have stated that he worked for 11 months. The fact however remains that even if the petitioner is held to have worked for 11 months, the circular has no application to his case since it requires an employee to have worked for more than one year. It is not in dispute that the petitioner has not worked for the required minimum period to gain any benefit under the said circular. In the absence of any right of regularization/absorption, it is not for this Court to issue a direction to the respondents to regularize his services or to direct that his case be considered for regularization.

The writ petition fails and it is accordingly dismissed. However, it is made clear that this order will not preclude the petitioner from availing such other remedies as are available to him in law. No costs.

RAMESH RANGANATHAN,J

Dt: 21.2.2007
msv.